

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE <div style="text-align: center;">J</div>		PAGE OF PAGES <div style="text-align: center;">1 11</div>		1	
2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0008</div>		3. EFFECTIVE DATE <div style="text-align: center;">09-Aug-2005</div>		4. REQUISITION/PURCHASE REQ. NO. <div style="text-align: center;">W16ROE-5090-1738</div>		5. PROJECT NO.(If applicable)			
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE <div style="text-align: center;">W912DS</div>		7. ADMINISTERED BY (If other than item 6) <div style="text-align: center; font-weight: bold;">See Item 6</div>					CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. W912DS-05-B-0012			
				X		9B. DATED (SEE ITEM 11) 12-May-2005			
						10A. MOD. OF CONTRACT/ORDER NO.			
						10B. DATED (SEE ITEM 13)			
CODE				FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS									
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.									
12. ACCOUNTING AND APPROPRIATION DATA (If required)									
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.									
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.									
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).									
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:									
D. OTHER (Specify type of modification and authority)									
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.									
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to (i) provide a revised bid schedule (ii) incorporate changes to the plans and specifications (iii) answer a potential bidder's question for informational purposes only. The Bid Opening date remains 25 August 2005 at 2:00 P.M. local time. Note: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304)									
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.									
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)					
				TEL: _____ EMAIL: _____					
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)			16C. DATE SIGNED 09-Aug-2005		

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT #8**W912DS-05-B-0012****Amendment No.8****1) SPECIFICATIONS:**-SECTION 00010:

1-Revised BID/ PRICE SCHEDULE

-SECTION 00902:

Add the attached letter from the EPA Dated Aug 4-2005 to Section 00902

-SECTION 02900:

1-Revise paragraph. 5.1.1 in its entirety to read as below:

“Allowable overdepth dredging will be permitted to a depth of not more than 1.0 ft for all dredging areas. The required dredging depth as shown on the drawings is 53 ft below MLW. Allowable overdepth (paid overdepth) dredging will be measured and paid for at the applicable contract price in the same manner as specified for the overlying material.”

2-Revise paragraph. 5.1.4 in its entirety to read as below:

The contractor will submit as part of Quality Control Plan specific methods and controls that will be put in place to ensure that dredging below -53 ft mlw is minimized.

The following questions and answers are provided for information only. Nothing contained below amends or revises any provision of the solicitation

Questions and Answers

The New York District has received the following question about the contract:

Q “(the solicitation) does not address the areas of side-slope dredging, where box cuts are historically allowed and as such no overdepth is detailed in the specifications.”

A: The solicitation does not prohibit box cuts. The Contractor should discuss his proposed box cuts in the Quality Control Plan as per 02900-5.1.4.

2) DRAWINGS:

-The following drawings, have been amended:

Plan sheets no.: 1, 3-6, and 8-15

REVISED BID SCHEDULE

Section 00010 - Solicitation Contract Form

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	Construct Navigation Channel FFP For Information Purposes Only PURCHASE REQUEST NUMBER: W16ROE-5090-1738				

For Information Only

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AA	MOBILIZATION AND DEMOBILIZATION FFP	1	Lump Sum		

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AB	DEBRIS REMOVAL AND DISPOSAL FFP	500	Ton		

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AC		3,833,000	Cubic Yard		
	DREDGING, TRANSPORTATION, DELIVERY, FFP DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON- ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AD		15	Each		
	SUBSURFACE DRILLING AND SAMPLING FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002 OPTION		1	Lump Sum		
	ADDITIONAL COST FFP FOR OPTIONAL INSURANCE (the amount is the maximum that can be reimbursed, only actual expenses will be reimbursed). OPTION 1.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003		2,000	Cubic Yard		
OPTION	DREDGING, TRANSPORTATION, DELIVERY, FFP AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS, (Pipe line Area). OPTION 2				
				NET AMT	

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004					
OPTION	Liberty State Park, LSP1: on-shore FFP FOR INFORMATION PURPOSES ONLY. OPTION 3.				
				For Information Only	

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AA		179,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FFP FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Liberty State Park 1, on-shore.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AB		1	Lump Sum		
OPTION	FLOATING TURBIDITY BARRIER FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AC		1	Lump Sum		
	MOBILIZATION AND DEMOBILIZATION FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005					
OPTION	Liberty State Park 2, LSP2: off- shore FFP FOR INFORMATION PURPOSES ONLY. OPTION 4.				

For Information Only

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AA		13,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FFP FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Liberty State Park 2, off- shore.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AB		1	Lump Sum		
OPTION	FLOATING TURBIDITY BARRIER FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AC		1	Lump Sum		
OPTION	Mobilization and Demobilization FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006					
OPTION	DIFFERENCE IN COST FFP FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS, (Same as item 0001AC) Placement at alternate location, Floyd Bennett Field. FOR INFORMATION PURPOSES ONLY. OPTION 5.				

For Information Only

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AA		100,000	Cubic Yard		
OPTION	Difference in cost for Transportation FFP and placement of non-rock materials suitable for HARS, same of item 0001AC Placement at alternate location, Floyd Bennett Field				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AB		1	Lump Sum		
OPTION	Mobilization and Demobilization FFP				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007		1,300,000	Cubic Yard		
OPTION	DIFFERENCE IN COST FFP FOR TRANSPORTATION AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR HARS. (Same as item 0001AC) Placement at alternate location Port Jersey, MOTBY OPTION 6.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008			Lump Sum		
OPTION	FIELD OFFICE FFP OPTION 7				

For Information Only

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AA OPTION	Field Office 1 for 12-month duration FFP	1	Lump Sum		

 NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AB OPTION	Field Office 2 for 12-month duration FFP	1	Lump Sum		

 NET AMT

FOB: Destination

TOTAL BASE BID (0001AA-0001AD) \$ _____

TOTAL OPTIONAL ITEMS (0002-0008) \$ _____

TOTAL BASE + OPTIONS (0001-0008) \$ _____
NOTES FOR PRICE SCHEDULE:

- 1 Bidders are required to bid on both the Base Bid Items and the Optional Items on the Price Schedule or their bid will be rejected.
- 2 The low bidder for the purpose of award will be the conforming responsible bidder offering the lowest amount for the Total Base Bid & Optional Items.
- 3 Any bid which is materially unbalanced as to the price for the Base Bid Item and Optional Item may be rejected. An unbalanced bid is one, which is based on price significantly less than the cost for some work and prices are significantly overstated for other work.
- 4 Bidders are reminded that they must bid on the issued plans and specifications as amended. Any deviations, conditions or attachments made by the bidders thereto may render the bid non-responsive and be cause for its rejection.

- 5 The Optional Item 0002, if awarded, may be awarded within **120** calendar days from issuance of the Notice to Proceed date. The Government is under no obligation to award any Optional Item. CLIN 0002; amount represents the maximum that the contractor shall be reimbursed after all the supporting documents are submitted, only actual expenses will be reimbursed, refer to Section 00800 paragraph 1.32A. No additional time will be permitted to complete optional CLIN 0002.
- 6 The Optional Items, if awarded, will be awarded within **600** calendar days for CLIN 0003 and CLIN 0008 and **450** calendar days for CLIN 0004, CLIN 0005, CLIN 0006 and CLIN 0007, from issuance of the Notice to Proceed date. Additional time will be given to complete these options: **25 calendar** days extension will be given **once** only after award of any or all of these options at any time, CLIN 0003, CLIN 0004, CLIN 0005 and CLIN 0006 and **55 calendar** days given for CLIN 0007. The Government is under no obligation to award any or all of the Optional Items.

SECTION 00010 - SOLICITATION CONTRACT FORM

SUBCLIN 0001AC

The pricing detail quantity has decreased by 584,000.00 from 4,417,000.00 to 3,833,000.00.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG - 4 2005

John F. Tavoraro, Chief
Operations Support Branch
U.S. Army Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, New York 10278-0090

Dear Mr. Tavoraro:

In your letter dated August 3, 2005, USACE requests EPA's concurrence with your determination that sediments between -55 ft MLW and -56.5 ft MLW underlying Ambrose Channel that may be "incidentally" removed as part of the dredging under the S-AM-1 Contract are adequately characterized for the purpose of making ocean placement suitability determinations. You also request EPA's concurrence with your determination that the materials in that stratum are substantively the same as materials above the -55 ft MLW and acceptable for use as Remediation Material at the HARS.

EPA has reviewed the sediment core data and maps that Ms. Beth Nash of your staff subsequently provided in support of your request. In each case, sediment in the additional depth zone between -55 ft MLW and -56.5 ft MLW was described using a similar description as previously. Therefore, its inclusion does not change our December 23, 2003 determination that materials from the Ambrose Channel Deepening Project that are proposed for dredging under the S-AM-1 contract meet the requirements of 40 CFR 227.13(b)(1) and are suitable for placement at the HARS without further testing.

EPA shares your expectation that any dredging occurring at depths below the -55 ft MLW plane originally proposed for the project will be "incidental" and "isolated". EPA Region 2 views the overdepth of two feet that is typically allowed and incorporated into sediment characterizations for most projects as being sufficient under most circumstances to compensate for tide, current and wave impacts on the dredging process. In this case, EPA is willing to make the additional one and one half foot overdepth allowance because of your stated concerns regarding the more dynamic oceanographic environment in the project area. Any dredging at depths below the -56.5 ft MLW plane will be subject to enforcement under MPRSA.

If you have any questions please feel free to call me at 212-637-3797 or Charles LoBue at 212-637-3798.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Reis", is written over the signature line.

for Douglas Pabst
Division of Environmental Planning and Protection